

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1824 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgement?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

AGRICULTURAL PRODUCE MARKET COMMITTEE

Versus

BR KATARA

Appearance:

MR BS PATEL for Petitioner

MR VB Garania, AGP for Respondent No. 1

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 19/03/98

ORAL JUDGEMENT

The petitioner - employer, Agriculture Produce Market Committee, Vadnagar-Kheralu, dismissed the second respondent from service. He had preferred an appeal to the Director of Agriculture, Marketing and Rural Finance (respondent no.1), who allowed the appeal and set aside the order of dismissal. Being aggrieved thereby, the employer has preferred this petition.

2. It appears that, in this petition, in Civil Application No.1247 of 1994, Mr.Justice N.J.Pandya had passed the orders dated 28th June 1994 and 15th and 22nd

July 1994 regarding the non-compliance with the appellate orders. Immediately thereafter, the employee was reinstated. Thereafter, an order of compulsory retirement was passed which has been challenged by the employee in Special Civil Application No. 13109 of 1994.

3. In view of the fact that the order of reinstatement was complied with, this petition would appear to have become infructuous.

4. Even on merits, there is no case made out for any interference by the Court. The Appellate Authority has considered all aspects and it is held that, no chargesheet, statement of allegations, particulars of allegations, and list of witnesses were given to the employee. The so-called charges were absolutely vague; there were no particulars as to in what respect and manner the employee had committed breach of discipline; when and on what dates the employee had remained absent without leave; what false documentary evidences were fabricated; and due to what negligence, the Marketing Yard had suffered in what manner and to what extent and how this employee was connected with it. In absence of all these, the Appellate Authority rightly allowed the appeal of the employee against the order of dismissal. Hence, this petition deserves to be dismissed as there is no merit in it. Rule is discharged with costs.

sreeram.